



THE CITY OF NEW YORK
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June 5, 2024

BY ECF

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Nunez, et al. v. City of New York et al.*
11 Civ. 05845 (LTS)

Dear Chief Judge Swain:

Defendants submit this letter to provide a status update to Your Honor with regard to Local Law 42 of 2024 (“Local Law 42”) which amends the New York City Administrative Code concerning de-escalation confinement of incarcerated individuals, the use of restraints on incarcerated individuals, requirements for restrictive housing programs, and requirements for emergency lock-ins. The majority of the requirements of Local Law 42 conflict with aspects of the Orders issued by the Court in the above-referenced case. Local Law 42 was enacted by the New York City Council after having previously been vetoed by New York City Mayor Eric Adams, and is scheduled to take effect on July 28, 2024.

Earlier today, defendants wrote to counsel for the plaintiff class and the United States regarding their intention to move before this Court for an Order suspending the requirements of Local Law 42 until such time as the Monitor in this matter approves New York City Department of Correction (“DOC”) policies and programs addressing those requirements. In accordance with section A(2)(b)(i)(1) of Your Honor’s Individual Rules of Practice, the letter set forth details regarding the intended motion and requested the opportunity to meet and confer with counsel in advance of filing the intended motion. We hope to schedule the meet and confer expeditiously and proceed with filing the motion shortly thereafter, and well in advance of the currently scheduled July 9, 2024 conference in this matter.

To assist with this intended motion practice, the City has asked counsel from Dechert LLP to join the Corporation Counsel as co-counsel on this motion. As the appearance of the Dechert

LLP attorneys will be limited to this motion, I respectfully request that they be permitted to appear as co-counsel for the purposes of drafting and filing motion papers and appearing before the court for conferences and arguments related to the suspension of the requirements of Local Law 42 without the need to file formal Notices of Appearance on the Court Docket. The Dechert LLP attorneys who are working as co-counsel to the Corporation Counsel are: Andrew Levander, Jeffrey Brown, Nicholas Gersh, Harnelle St. Cloud, and Steven A. Engel.

Respectfully submitted,

s/ Sheryl Neufeld

Sheryl Neufeld